



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: June 21, 2016

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Robert Price, Assistant Planner

Subject: **Gregory E. Michael of Bernstein, Shur, Sawyer & Nelson, P.A. (petitioner) and Patricia J. Schippani, LLC.** — Variance under Section 2.02.4(B) of the Zoning Ordinance to permit a personal service use (existing holistic therapy center) in the I-1 (Industrial) District. The parcel is located at 4 John Tyler in the I-1 (Industrial) District. Tax Map 2D, Lot 041-10-5. Case # 2016-27.

The following information is provided to aid in your consideration of the above referenced cases. Additional background and application materials are included in your packet.

Background:

Map 2D, Lot 041-10-5 is located at 4 John Tyler Street. The parcel is located in the I-1 (Industrial) District. It is serviced by water (Pennichuck) and municipal sewer. The site contains a five-unit commercial condominium, and is abutted by a self-storage facility to the west and north, other businesses to the south, and a residence to the east. The applicant is seeking a variance to continue operating a personal service establishment in the I-1 (Industrial) District where such uses are not permitted.

The applicant's business, SOMA Holistic Therapy Center, has been in operation at this location for nine years but their existence only recently came to light. Someone approached the Community Development Department seeking approval to operate a personal service establishment within the subject unit, in conjunction with but separate from SOMA. A review of Town records found that SOMA themselves did not seek the necessary approvals to locate at this site and thus, were required by staff to obtain them.

Standard of Review:

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the variance under Section 2.02.4(B) of the Zoning Ordinance have been met to permit a personal service establishment in the I-1 (Industrial) District.

Should the Board vote to grant the Variance, Staff recommends that it be granted with the following condition:

1. Petitioner to obtain Planning Board or Administrative Approval for the personal service establishment use of the subject property, as deemed applicable.

Cc: Zoning Board File
Correspondence

Ec: Gregory Michael, Bernstein, Shur, Sawyer & Nelson, P.A.
Michael Klass, Bernstein, Shur, Sawyer & Nelson, P.A.
Building Department Staff
Captain John Manuele, Merrimack Fire Department

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